

## **REMARKS**

Claim 18 has been amended. Claims 1-9, 11-17 and 21-26 have been cancelled. Therefore, claims 18-20 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 112, Second Paragraph, Rejection:**

The Examiner rejected claims 18-20 under 35 U.S.C. § 112, second paragraph, as indefinite. Specifically, the Examiner asserts that the phrase “leak detection device” lacks antecedent basis. Claim 18 has been amended to overcome the § 112, second paragraph, rejection and removal thereof is respectfully requested.

### **Double Patenting Rejection:**

The Examiner rejected claims 21, 22, 24 and 26 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,718,993. As noted above, claims 21, 22, 24 and 26, among others, have been canceled, rendering the double patenting rejection moot.

### **Section 103(a) Rejection:**

The Examiner rejected claims 1-9 and 11-26 under 35 U.S.C. § 103(a) as being unpatentable over Miller in combination with Jones (U.S. Patent 4,580,442), DE 10062361 (hereinafter DE ‘361) and GB 2272553 (hereinafter GB ‘553). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 18, the Examiner’s combination of Miller, Jones, DE ‘361 and GB ‘553 fails to teach or suggest a method comprising a leak detection device receiving fluid leaked from the device, wherein the fluid is leaked from the device at a location not viewable to a user of the device and **diverting the fluid in contact with the leak**

detection device along the slanted surface to a location external to the leak detection device that is visible to the user of the device. The Examiner asserts that Miller discloses “the method as claimed.” However, Miller clearly does not teach a method including the specific actions recited in claim 18. More specifically, Miller, even when combined with the Examiner’s other cited art, does not teach or suggest a method comprising a leak detection device diverting the fluid to a location external to the leak detection device that is visible to the user of the device. In fact, Miller teaches just the opposite since Miller describes a leak accumulation area within the device. Nowhere does Miller mention anything regarding diverting the fluid to a location external to the device that is visible to the user of the device. To the contrary, Miller explicitly teaches accumulating a leak within the device.

GB ‘553 teaches an open pan or tray for “collecting water leaking from the appliance” (Abstract). GB ‘553 clearly describes collecting water leaking from an appliance, not diverting the fluid to a location external to the leak detection device that is visible to the user of the device. For instance, GB ‘553 teaches that his device includes a tray “provided beneath the appliance in which water leaking from the appliance can collect (page 2, lines 2 – 8).

DE ‘361 also teaches a tray or pan into which water leaking from an appliance collects. For example, figures, 2 – 6 illustrate a closed sided pan for collecting water leaking from the appliance. In fact, it appears that all leaked fluids remain within the pan of DE ‘361.

Thus, GB ‘553, DE ‘361 and Miller all teach enclosed pans purposefully designed to retain any leaked fluid. None of references cited by the Examiner, whether considered alone or in combination, teach a method comprising a leak diversion device receiving fluid leaked from the device, wherein the fluid is leaked from the device at a location not viewable to a user of the device, and diverting the fluid in contact with the leak diversion device along the slanted surface to a location external to the leak detection device that is visible to the user of the device. In fact, all of the cited references

specifically teach away from such a method since they all teach that the leak is collected or accumulated within the device.

The Examiner also relies on Jones, citing abstract and claims. Jones teaches a method for locating points of leakage of air from a normally air-filled portion of fire sprinkler piping. Jones teaches “filling the normally air-filled portion of the system with an aqueous solution of an efficient wetting agent, together with a water soluble dye” and applying pressure to force the dye through any leaks. Thus, Jones teaches a method for checking for leakage of air in a normally air-filled portions of piping. Jones does not teach or suggest anything regarding a method comprising a leak diversion device diverting fluid (leaked from a device) to a location external to the leak diversion device that is visible to the user of the device. Jones does not overcome the above-mentioned deficiencies of GB ‘553, DE ‘361 and Miller.

None of the Examiner’s cited art, whether considered singly or in combination, teach or suggest the limitations of Applicants’ claims.

Furthermore, a system resulting from the combination of GB ‘553, Jones, DE ‘361 and Miller would not include a leak diversion device diverting the (leaked) fluid in contact with the leak diversion device along the slated surface to a location external to the leak diversion device that is visible to the user of the device. Instead, a system resulting from the combination of GB ‘553, Jones, DE ‘361 and Miller would include a pan or tray to collect any fluids leaked from a device since that is how the devices of GB ‘553, DE ‘361 and Miller are explicitly designed to function.

Therefore, the rejection of claims 18-20 is not supported by the cited art and removal thereof is respectfully requested.

## CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5863-00101/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Other:

Respectfully submitted,

/Robert C. Kowert/  
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